

Message Text

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PAGE 01 TOKYO 11728 120304Z

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ACTION EPA-04

INFO OCT-01 EA-11 ISO-00 SCI-06 NSF-04 NSC-10 DOTE-00

COME-00 CIAE-00 INR-10 NSAE-00 RSC-01 EB-11 DRC-01

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R 120230Z SEP 73

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 6684

UNCLAS TOKYO 11728

E.O. 11652: N/A

TAGS: PFOR, SENV, OTRA, JA, US

SUBJECT: EPA INSPECTION OF JAPANESE VEHICLE MANUFACTURING PLANTS

REF: (A) STATE 170196; (B) TOKYO 12923; (C) STATE A-2047

1. AS REQUESTED REFTEL (A), EMBASSY SCIOFF ADVISED GOJ OF IMPENDING VISIT OF EPA TEAM. UPON LEARNING OF VISIT, SHIGERU TSUMORI (DEPUTY HEAD, INTERNATIONAL ECONOMIC DIVISION, ECONOMIC AFFAIRS BUREAU, FOREIGN MINISTRY) REQUESTED SCIOFF MEET HIM ON SEPTEMBER 7.

2. TSUMORI INFORMED SCIOFF THAT HIS OFFICE HAD NOT PREVIOUSLY BEEN AWARE OF PROPOSED VISIT AND HAD IMMEDIATELY INITIATED CONSULTATIONS WITH MITI, MOT, AND EA. RESULT OF THESE CONSULTATIONS WAS AGREEMENT TO ACCEPT EPA MISSION THIS TIME, BUT ONLY AS "EXCEPTIONAL CASE," WITH GOJ RESERVING RIGHT TO SEND OWN INSPECTION TEAM TO US.

3. FROM POINT OF VIEW OF INTERNATIONAL LAW, TSUMORI STATED, EPA INSPECTION OF JAPANESE PLANTS COULD BE CALLED "INFRINGEMENT ON JAPANESE SOVEREIGNTY," SOMETHING GOJ VERY SENSITIVE ABOUT NOW, IN WAKE OF KIM DAE JUNG CASE. HE ADDED THAT, IN FONOFF VIEW, INTERNATIONAL LAW REQUIRES US TO OBTAIN APPROVAL, CLEAR OR TACIT, OF GOJ BEFORE SENDING SUCH AN INSPECTION TEAM WHILE COMPANY REPRESENTATIVES (REFTEL A, PARA 4) MAY SPEAK FOR THEIR COMPANIES, UNCLASSIFIED

UNCLASSIFIED

PAGE 02 TOKYO 11728 120304Z

THEY CANNOT SPEAK FOR GOJ.

4. TSUMORI ALSO REQUESTED FURTHER DISCUSSIONS WITH EMBASSY ON THIS MATTER ASAP, POSSIBLY EVEN BEFORE THE ARRIVAL OF FIRST TEAM, ESPECIALLY AS REGARDS ARRANGEMENTS FOR FUTURE VISITS. WE PLAN HOLD SUCH DISCUSSIONS WITHIN NEXT FEW DAYS. IN THAT CONNECTION, WOULD BE USEFUL TO KNOW WHETHER DOT OR EPA HAS PREVIOUSLY DISCUSSED ARRANGEMENTS FOR THIS VISIT WITH JAPANESE EMBASSY WASHINGTON.

5. (EMBASSY COMMENT) AS INDICATED REFTEL (B), EMBASSY DISCUSSED THIS

MATTER WITH MITI IN DECEMBER 1972, AT WHICH TIME MITI INDICATED GOJ PREPARED ACCEPT INSPECTORS. ALSO, AS REQUESTED REFTEL (B), EMBASSY PROVIDED MITI (SHIMO, AUTOMOBILE DIVISION) WITH COPIES OF PROPOSED RULE MAKING ON CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES (FEDERAL REGISTER, VOLUME 38, NO. 37, FEBRUARY 26, 1973; REFAIR (C). WHILE MITI USUALLY COORDINATES MATTERS OF THIS KIND WITH FONOFF, IT APPARENTLY DID NOT DO SO IN THIS INSTANCE. INGERSOLL

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 12 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973TOKYO11728
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730939/aaaabceo.tel
Line Count: 80
Locator: TEXT ON-LINE
Office: ACTION EPA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: (A) STATE 170196; (B) TOKYO 12923; (C) STATE A-2047
Review Action: RELEASED, APPROVED
Review Authority: smithrj
Review Comment: n/a
Review Content Flags:
Review Date: 10 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10-Oct-2001 by maustmc>; APPROVED <07 MAR 2002 by smithrj>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EPA INSPECTION OF JAPANESE VEHICLE MANUFACTURING PLANTS
TAGS: PFOR, SENV, OTRA, JA, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005